

Delegated Report

Planning Ref: 23/00343/NMA

Applicant: Mr Ryan Jones

Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 3 Grey Close, Groby Leicestershire

Proposal: Non-Material Amendment of Planning Permission 22/00214/HOU. Amendments to elevations and floor plans

1. Recommendations

1.1. Permit non-material amendments subject to:

- Condition 1 of original planning permission 22/00214/HOU and amended planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks approval for non-material amendments to planning permission 22/00214/HOU which granted full planning permission for single storey front and side extensions, a rear extension with lower ground level basement to a detached dwelling, 3 Grey Close, Groby.
- 2.2. The proposed non-material amendments to the approved scheme relate to alterations to the approved elevations and fenestration, alterations (reduction) in the approved floor plans and alterations to the proposed external materials.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the settlement boundary of Groby in a predominantly residential area at the far end of a line of three detached bungalows set back in a staggered row to the east side of a long hard-surfaced private drive known as Grey Close.
- 3.2. The dwelling occupies an extensive elongated plot with a 135 metres long x 15 metres wide rear garden and a 40 metres long x 20 metres wide front garden. It is a detached bungalow with an 'L' shaped footprint and a dual pitched roof with gables to the front, northeast side and rear elevations. To the rear there is a block paved patio area and beyond the rear garden ground levels fall away to the southeast. It is constructed with a mix of cream painted render and red multi facing brick walls, brown interlocking concrete roof tiles and white uPVC windows.
- 3.3. The site frontage is predominantly lawned but includes a detached red brick double garage with dual pitched roof and hard-surfaced forecourt along with a hard-surfaced driveway to the front of the dwelling. To the north east side of the site there is a high earth embankment with mature landscaping and trees providing continuous screening from/to the A50 dual carriageway.

4. Relevant planning history

22/00214/HOU

- Single storey front and side extensions, rear extension with lower ground level basement
- Permitted
- 26.05.2022

5. Publicity

- 5.1. A Section 96A application is not an application for a new planning permission and the existing Town and Country Planning (Development Management Procedure) Order (DMPO) provisions (Article 13 and Schedule 5) relating to publicity and statutory consultation do not apply. Therefore, local planning authorities can exercise discretion in whether and how they choose to inform interested parties or seek their views. In this case no publicity or consultations have been undertaken.

6. Consultation

- 6.1. No consultations are necessary or have been undertaken.

7. Policy

- 7.1. Greater Flexibility for Planning Permissions Guidance (non-material amendments) states that the local planning authority must have regard to the effect of the change, together with any previous changes made under this section.
- 7.2. Since the original planning permission was issued there have been no significant changes to the policies within the local development plan or national planning policies that would be material to the outcome of the assessment of the application in this case.
- 7.3. Core Strategy (2009)
- No relevant policies
- 7.4. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.5. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.6. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Planning Authority Design Guide

8. Appraisal

- 8.1. Key issues:

- Whether the amendments to the proposed elevations, floor plans and external materials are considered to be non-material in respect of the design and visual appearance of the overall development and any impacts upon the amenities of any residential properties and therefore constitute non-material amendments to the approved scheme
- Conditions

Assessment

- 8.2. Section 96A of the Town and Country Planning Act 1990 allows non-material amendments to be made to an existing planning permission. The document Greater Flexibility for Planning Permissions Guidance (2010) in paragraph 42 makes it clear

that there is no statutory definition of 'non-material' as this is so dependent upon the context of the overall scheme. That which may be non-material in one context may be material in another. It is for the local planning authority to be satisfied that the amendment sought is non-material in order to grant an application under S96A.

- 8.3 In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendments need to be considered in the context of the overall scheme for extensions and alterations to the existing dwelling.
- 8.4 The only proposed amendments to the front elevation are to the slightly reduced width of the new front gable of the side extension, reduction in the width of windows and the use of dark render and timber infill cladding as external materials. The width of the new rear gable would also be reduced slightly, its height increased slightly and its massing amended to include some single storey lean-to elements at the rearmost section. The proposed basement level would be reduced in footprint and the previously approved higher level rear/side terrace area would be reduced in depth and replaced with stepped landscaping providing access to the (lower) rear garden. As with the new front gable, the windows on the rear gable would be amended and the use of dark render and timber infill cladding as external materials is proposed. A modest increase in the eaves and ridge height of the proposed side extension is proposed along with fenestration alterations and the use of dark render and timber infill panels which would provide a unified appearance and complement the contemporary design of the extensions. The proposed amendments would not alter the contemporary design and appearance of the overall scheme which would remain acceptable in terms of its design and appearance and its visual impacts on the existing dwelling and the surrounding area.
- 8.5 The proposed reduction in the depth of the higher level terrace and its replacement with stepped landscaping would remove potential adverse impacts on the residential amenity and privacy of the neighbouring garden from overlooking and therefore a condition requiring the use of the previously approved obscurely glazed balustrades would no longer be necessary. It should be noted that the neighbouring occupier raised no objection to the originally submitted scheme (without such balustrades) as significant screening of the neighbouring raised rear patio area was already in place.
- 8.6 The modest alterations to the overall massing of the approved extensions, alterations to the proposed fenestration and proposed use of dark render and timber infill panels would have no significant material impacts upon the overall acceptability of the design or appearance of the approved extensions and alterations or any material impacts upon the residential amenity or privacy of the neighbouring occupiers. It is therefore considered that the proposed amendments would be non-material in the context of the overall scheme as the amendments would have no impact upon the acceptability of the overall scheme in planning terms.

Conditions

- 8.7 Under Section 96A of the Town and Country Planning Act 1990 any decision issued should only relate to the non-material amendments sought and is not a reissue of the original planning permission, which still stands. It is however necessary to determine if additional conditions are required or whether existing conditions need to be removed or altered.
- 8.8 The development has not yet begun therefore Condition 1 (Time) of the original planning permission remains reasonable and necessary and the development would need to be commenced prior to the expiry of three years from 26 May 2022, the date of the original planning permission. Condition 2 (Approved Plans) would need to be amended to refer to the development being carried out in accordance

with the amended proposed floor plans and elevations drawings submitted under this application. Condition 3 (materials) would need to be amended to refer to the development being carried out in accordance with the amended external materials and proposed elevations drawings submitted under this application. Condition 4 (obscure glazed terrace screens) would no longer be necessary to protect residential amenity or privacy. No additional conditions are necessary to make the amended scheme acceptable in planning terms.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. In line with the provisions of Section 96A of the Town and Country Planning Act 1990, the proposed amendments to planning permission reference 22/00214/HOU have been considered in the context of the overall scheme. It is considered that the amendments proposed would not result in any significant impacts on the acceptability of the design or appearance of the originally approved scheme or any significant or material impacts upon the residential amenity or privacy of any neighbouring occupiers. The proposed amendments are therefore considered to be non-material and acceptable in the context of the overall scheme.

11. Recommendation

11.1 **Permit non-material amendments** subject to:

- Condition 1 of the original planning permission 22/00214/HOU and amended planning conditions outlined at the end of this report

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site

Location Plan Drawing No. A-EL-001 received by the local planning authority on 7 March 2022 and Proposed Ground Floor Plan Drawing No. PL-100 Rev C, Proposed Basement Plan Drawing No. PL-101 Rev C, Proposed Roof Plan Drawing No. PL-102 Rev A, Proposed Front and Southwest Side Elevations Drawing No. PL-200 Rev B, Proposed Rear and Northeast Side Elevations Drawing No. PL-201 Rev B received by the local planning authority on 5 April 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The materials to be used on the external elevations of the proposed extensions and alterations hereby permitted shall be in accordance with the details submitted on the approved Proposed Front and Southwest Side Elevations Drawing No. PL-200 Rev B and Proposed Rear and Northeast Side Elevations Drawing No. PL-201 Rev B received by the local planning authority on 5 April 2023 and shall match the corresponding materials of the existing dwelling where stated.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).